

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
60th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on January 17, 2007 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: Rep. Julie French (D)

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 192, HB 277, HB 272, HB 263, HB 229, 1/12/2007
Executive Action: HB 215, HB 30, HB 192

HEARING ON HB 229

Opening Statement by Sponsor:

00:02:49 Rep. Scott Mendenhall (R), HD 77, opened the hearing on
HB 229, Judicial recusal from case where attorney made
campaign contribution

[EXHIBIT\(juh11a01\)](#)

[EXHIBIT\(juh11a02\)](#)

Proponents' Testimony:

00:07:46 Doug Nulle, Retired Attorney
00:09:55 John Benyan, Montana Chamber of Commerce
00:12:31 Ken Peterson, Attorney

Opponents' Testimony:

00:18:23 Dorothy McCarter, Judge, First Judicial District,
District Judges of Montana
00:22:37 Al Smith, Montana Trial Lawyers Association
00:28:40 Chris Manos, Executive Director, State Bar of Montana

Informational Testimony: None

Questions from Committee Members and Responses:

00:33:18 Rep. Koopman
00:34:05 Rep. Mendenhall
00:36:49 Rep. Everett
00:37:15 Mr. Smith
00:40:26 Rep. Stoker
00:41:06 Mr. Smith
00:42:38 Rep. McGillvray
00:43:37 Mr. Smith
00:45:35 Rep. Cordier
00:46:14 Ms. McCarter
00:46:53 Rep. Gallik
00:47:11 Rep. Mendenhall
00:51:39 Mr. Peterson
00:51:57 Rep. Peterson
00:52:13 Rep. Gallik
00:52:48 Chairman Rice
00:53:10 Rep. Peterson
00:53:43 Rep. Mendenhall

Closing by Sponsor:

00:54:55 Rep. Mendenhall

HEARING ON HB 277

Opening Statement by Sponsor:

00:58:26 Rep. Michele Reinhart (D), HD 97, opened the hearing on HB 277, Child safety restraint violation as primary offense.

Proponents' Testimony:

01:00:10 Rep. Bob Bergren, HD 33
01:02:19 Rep. Ed Hilbert, HD 38
01:05:45 Paul Grimstad, Colonel, Montana Highway Patrol
01:06:15 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association, Montana County Attorney Association
01:07:14 Barry "Spook" Stang, Executive Vice President, Montana Motor Carriers Association
01:07:54 Steve Yeakel, Montana Council on Childrens Health, Montana Traffic Educators Association, Montana AAA
01:08:49 Jim Kembel, Montana Association of Chiefs of Police, Montana Police and Peace Officers Association
01:09:04 Linda Reinhart, Child Care Connections Coalition
01:10:50 Mike Foster, St. Vincent's Hospital
01:12:18 Jeff Trethewey, self

Opponents' Testimony:

01:14:35 Rep. Joey Jayne, HD 15

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:14 Rep. Peterson
01:17:22 Rep. Reinhart
01:19:39 Rep. Everett
01:22:48 Rep. Hilbert
01:27:42 Rep. Ward
01:33:56 Rep. Bergren

Closing by Sponsor:

01:36:01 Rep. Reinhart

HEARING ON HB 272

Opening Statement by Sponsor:

1:38:14 Rep. Llew Jones (R), HD 27, opened the hearing on
HB 272, Require photograph of sexual and violent
offenders throughout registration.

EXHIBIT(juh11a03)

Proponents' Testimony:

01:38:54 Bud Williams, Office of Public Instruction
01:39:23 Ali Bovington, Assistant Attorney General
01:43:33 Jim Kembel, Montana Association of Chiefs of Police
01:44:48 Rep. Jerry Black, HD 15
01:47:54 Nanette Gilbertson, Montana Sheriffs and Peace
Officers Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:48:02 Rep. Stoker
01:49:54 Ms. Bovington

Closing by Sponsor:

01:52:34 Rep. Jones

01:52:48__Break
01:58:15 Reconvene

HEARING ON HB 192

Opening Statement by Sponsor:

01:59:30 Rep. Wayne Stahl (R), HD 35, opened the
hearing on HB 192, Indemnification provisions in state
loans to local government.

Proponents' Testimony:

02:03:11 Dave Nielsen, Attorney, City of Helena

Opponents' Testimony: None

Informational Testimony:

02:03:22 Tim Hall, Department of Natural Resources and
Conservation

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:05:14 Rep. Stahl

(Rep. Ebinger absent from the room.)

EXECUTIVE ACTION ON HB 192

02:05:48 **Motion:** Rep. Stoker moved that **HB 192 DO PASS.**

02:06:13 **Substitute Motion/Vote:** Rep. McGillvray made a
substitute motion that **HB 192 BE TABLED.** Substitute
motion carried unanimously by voice vote. (Reps. French
and Ebinger voted by proxy.)

HEARING ON HB 263

Opening Statement by Sponsor:

02:06:29 Rep. Ralph Heinert (R), HD 1, opened the hearing on HB
263, Require DNA sample when charged with felony.

Proponents' Testimony:

02:07:11 Rep. Jones, HD 27

Opponents' Testimony:

02:07:53 Jim Kembel, Montana Association of Chiefs of Police

02:08:12 Scott Crichton, Executive Director, ACLU

EXHIBIT(juh11a04)

Informational Testimony:

02:18:44 Bill Unger, Forensic Science Division, Department of
Justice

Questions from Committee Members and Responses:

02:21:29 Rep. Everett

02:21:47 Mr. Unger

02:22:01 Rep. Kottel

02:23:55 Rep. Gallik

02:24:49 Rep. Heinert

Closing by Sponsor:

02:24:19 Rep. Heinert

(Rep. Koopman absent from the room.)

(Reps. French and Ebinger returned to room.)

EXECUTIVE ACTION ON HB 215

02:25:16 **Motion:** Rep. Stoker moved that **HB 215 DO PASS.**

02:25:23 **Motion:** Rep. Kerns moved that **HB 215 BE AMENDED.**
EXHIBIT(juh11a05)

02:33:14 **Vote:** Motion that **HB 215 BE AMENDED** carried
unanimously by voice vote. (Rep. Koopman voted by
proxy.)

02:33:58 **Motion/Vote:** Motion that **HB 215 DO PASS AS AMENDED**
carried 10-7 by roll call vote with Reps. French,
Raser, Cordier, Driscoll, Kottel, Ebinger, Gallik
voting no. (Rep. Koopman voted by proxy)

EXECUTIVE ACTION ON HB 30

02:40:13 **Motion:** Rep. Stoker moved that **HB 30 DO PASS.**

02:40:15 **Motion:** Rep. McGillvray moved that **HB 30 BE AMENDED.**
EXHIBIT(juh11a06)

02:42:18 **Vote:** Motion that **HB 30 BE AMENDED** carried
16-1 by voice vote. (Rep. Koopman voted by
proxy.)

(Rep. Cordier absent from the room.)

02:42:23 **Motion/Vote:** Rep. Stoker moved that **HB 30 DO PASS AS**
AMENDED. Motion failed 7-10 by roll call vote with
Reps. French, Raser, Cordier, Driscoll, Kottel,
Ebinger, and Gallik voting aye. (Reps. Koopman and
Cordier voted by proxy.)

02:43:10 **Motion/Vote:** Rep. Stoker moved that **HB 30 BE TABLED**
AND THE VOTE REVERSED. Motion carried.

02:43:15 Break

02:55:29 Reconvene

(Rep. Cordier returned to the room.)

EXECUTIVE ACTION ON HB 54

02:55:35 **Motion:** Rep. Stoker moved that **HB 54 DO PASS.**

02:55:40 **Motion:** Rep. Kottel moved that **HB 54 BE AMENDED.**
EXHIBIT(juh11a07)

02:59:46 **Vote:** Motion that **HB 54 BE AMENDED** carried unanimously by voice vote. (Rep. Koopman voted by proxy.)

Motion/Vote: Rep. Stoker moved that **HB 54 DO PASS AS AMENDED.** Motion failed 8-9 by roll call vote with Reps. French, Raser, Cordier, Driscoll, O'Hara, Kottel, Ebinger, and Gallik voting aye.) (Rep. Koopman voted by proxy.)

03:00:43 Chairman Rice

ADJOURNMENT

Adjournment: 11:01 A.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh11aad.pdf](#))